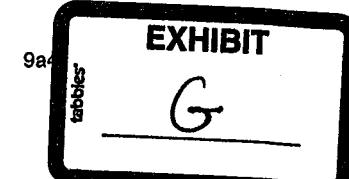


<p>1 there, 1999 forward, there had never been a female there 2 on the operations side, right? 3 A. Correct. 4 Q. Now, as a Turbine Operator and as a Senior 5 Operator, did you have specified cleaning assignments? 6 A. Yes, sir. 7 Q. And those were your duties to perform, 8 right? 9 A. Yes, sir. 10 Q. And would you agree with me that you could 11 not pass those duties onto a trainee? 12 A. No, sir. 13 Q. That's true, right? 14 A. What's true? 15 Q. That for example, you cannot tell a trainee 16 with regards to your cleanup assignments, "Listen. You 17 go do my assignment." 18 A. That's not true. 19 Q. You could do that? 20 A. You could do that. Absolutely. 21 Q. You could do that with regards to any 22 cleaning assignments that you had, right? 23 A. Yes, sir. 24 Q. Okay. Certainly you did that with Juanita, 25 right? You would tell her on occasion, "Hey, listen. I</p>	<p>Page 22 1 Juanita had complained that she was not being 2 appropriately trained, right? 3 A. I'm sorry. Rephrase or resay that again. 4 Q. Okay. I can say it a different way, maybe 5 you'll understand. Did anyone ever come to you, 6 Mr. Click, and indicate to you that Juanita was concerned 7 or had reported or had complained that she was not being 8 appropriately trained? 9 A. I don't remember a specific time when she 10 said, you know, she said it. But I know that I have 11 heard her complain -- or heard people saying or -- that's 12 what I'm trying to remember, a specific time, if that's 13 what you're asking. Are you asking a specific time I 14 remember? 15 Q. No. If you will listen to my question. 16 A. Okay. I'm sorry. 17 Q. Let me try it again. My question to you, 18 Mr. Click is, at any point in time did anyone ever come 19 to you to report or to advise you or notify you that 20 Juanita Garcia had a concern that she was not being 21 appropriately trained? 22 A. I would say yes. 23 Q. Who came to you to say that? 24 A. I don't remember. What I was trying to 25 remember, a specific time. But I know that's, you know,</p>
<p>1 want you to go do that cleaning assignment," right? 2 A. Yes, sir. 3 Q. Now, during the time Ms. Garcia was in the 4 Ops Tech Trainee I position, were you training anyone 5 else? 6 A. I don't remember. 7 Q. All right. How about Damon Ben? 8 A. I'm -- I imagine. 9 Q. You just -- well, I don't want you to guess 10 or speculate. I don't want you to just agree with me to 11 agree with me. I mean, were you training Damon Ben? 12 A. Well, I train everybody there when I can at 13 all times. Just like I want them to train me. In other 14 words, we're all operators and we're trying to better 15 each other's understanding of the plant. So Juanita was 16 treated exactly like all the other trainees or Ops people 17 that come in. 18 Q. So the training environment was everybody 19 helps everybody else out, right? 20 A. That's, to me, ideal. 21 Q. Well, is that what it was? 22 A. I -- that's what it was to me, I -- 23 Q. All right. 24 A. -- can't speak for other people. 25 Q. And you know as you sit here today, that</p>	<p>Page 23 1 been talked about but I don't know who. 2 Q. Was it more than one person? 3 A. I don't remember. 4 Q. Are you on any medication today that would 5 affect your ability to recall? 6 A. No. 7 Q. The -- and did that happen on more than one 8 occasion where somebody came to you to -- to tell you 9 about that, that Juanita was concerned or had complained 10 that she wasn't being appropriately trained? 11 A. I don't remember. 12 Q. All right. Did -- did -- Is it your 13 testimony that Juanita never told you that? 14 A. Like I said, I don't remember if she said 15 that or not. 16 Q. After you heard this did you do anything to 17 change or modify or alter the training that you were 18 giving to Juanita? 19 A. Other than try to continue training as I 20 had, or -- oh. I do remember a case where she wanted 21 more notes or something at Bluffview. And I gave her 22 every note I had. 23 Q. Uh-huh. 24 A. And so I do remember that. 25 Q. Okay. My question to you was, after you</p>

7 (Pages 22 to 25)



<p style="text-align: right;">Page 38</p> <p>1 Miller. If you will turn to -- yeah, you're on the right 2 page there. 3 A. Okay. 4 Q. And what I want you to do is I just want you 5 to read all those different incidents in the week of 6 8/17/09, 8/24/09. You see where I'm referring to? 7 A. Uh-huh. 8 Q. I just want you to read those and then I'm 9 going to ask you a question. Let me know when you're 10 done. 11 A. Okay. 12 Q. Now, with regards to those different 13 incidents, one, two, three, four, five, six that are 14 listed there, were you the person that made any of those 15 reports? 16 A. I don't remember. I may have been. 17 Q. With regards to which ones might you have 18 been? 19 A. I know specifically I overheard her speaking 20 disparagingly of me on the public Gaitronic system. 21 Q. What did she say? 22 A. Just a bunch of negative things and said it 23 to Julie Cynova on the -- 24 Q. Are you saying that was sometime in August 25 of 2009?</p>	<p style="text-align: right;">Page 40</p> <p>1 A. <u>I don't remember.</u> 2 Q. And it was so strong that it was 3 uncomfortable for you? 4 A. <u>Correct.</u> 5 Q. And you were in a car; is that right? 6 A. <u>Yes. It -- it was going -- every day at the</u> 7 plant it was very strong and it was troubling, but we 8 just kind of bore with it. You know, certainly didn't 9 want to offend her or anything, just wanted a nice place 10 to work. But when I had to drive out to Navajo with her 11 it was kind of cold outside so the windows were up and it 12 was very strong. And I just asked if she could -- in a 13 polite manner -- if she could back off on the perfume. 14 Q. Well, how cold does it get in Farmington, 15 Mr. Click, in late July? 16 A. <u>I don't know.</u> 17 Q. Yeah. Now, at this point -- 18 A. <u>Yeah, I thought it was in the wintertime.</u> 19 Q. Yeah. 20 A. <u>We had the windows up for some reason. Oh,</u> 21 we had the air conditioner on, I guess. 22 Q. Yeah, maybe. The -- would you consider this 23 to be a petty complaint, running to your supervisor to 24 complain about a coworker wearing perfume? 25 A. <u>No. Because like I said, it was so bad at</u></p>
<p style="text-align: right;">Page 39</p> <p>1 A. I don't remember when it was. That sounds 2 about right. 3 Q. And what did she say? 4 A. I don't remember other than it was very 5 negative and spiteful in nature and shocking to me. I 6 heard somebody call on Gaitronic and I was out making the 7 rounds so I didn't know who. I thought they were calling 8 me. When I picked up the phone to say hello, I overheard 9 her talking to Julie about me. 10 Q. You'll see right at the bottom it has a 11 number. 12 A. Okay. 13 Q. If you will go to 254. And you'll see this 14 is a 7/28/10 memo to file, Richard Miller, regarding a 15 complaint you made about Ms. Garcia's perfume, right? 16 A. Yes. 17 Q. And your complaint was that it was too 18 strong an odor, right? 19 A. Correct. 20 Q. And you went to Miller and told him about 21 it, right? 22 A. I'm sorry, say that again. 23 Q. You went to Miller and told him about it. 24 A. I was trying to read this. Yes. 25 Q. And what did Miller say to you?</p>	<p style="text-align: right;">Page 41</p> <p>1 the plant for a long time that everybody, all the 2 operators were affected by it. I know it made us hard to 3 breathe basically. It was that strong. 4 Q. Well, actually sir, Ms. -- because you told 5 Ms. Garcia that there were other operators that were 6 concerned about how strong her perfume was, didn't you? 7 A. I told other operators? 8 Q. No, you told her that. There were other 9 operators -- 10 A. Oh, I may have. 11 Q. And actually one of those operators that you 12 mentioned by name was Willie Taylor, right? 13 A. I don't remember. 14 Q. And do you recollect having a conversation 15 where it's you, Ms. Garcia and Willie Taylor and Willie 16 Taylor saying, "Hey, listen. I never told Audie Click 17 that"? 18 A. I don't remember that. 19 Q. Did you ever make another complaint about 20 Ms. Garcia wearing her perfume? 21 A. No. 22 Q. Did she quit wearing it? 23 A. Yes, sir. 24 Q. Let me hand you what I'm going to Mark as 25 Exhibit No. 1 to your deposition.</p>

<p>1 Q. And you actually went through diversity 2 training, didn't you? 3 A. Yes, sir. 4 Q. Have any employees ever come to you to 5 complain to you about Ms. Garcia? 6 A. Yes. 7 Q. Who? 8 A. I -- I guess I don't know how to respond to 9 that. Lots. And I don't remember all of them. But I 10 can just try to recall what I can or ... 11 Q. Yeah. I'm interested in what you know. 12 A. I think pretty much everybody has. 13 Q. Everybody that's employed in the Generation 14 Division of the City of Farmington has complained to you 15 about Ms. Garcia, right? 16 A. I would say of the senior -- the Tech II 17 Operators that have, you know, worked with her or trained 18 with her have -- have complained. And I've, you know, I 19 don't know that I'd say they came to me specifically. 20 But like in the control room, you know how people talk. 21 And so it -- I heard people say, you know, that they had 22 complaints about her. 23 Q. And what were the nature of the complaints? 24 A. Well, everything from, you know, not 25 performing her job duties correctly.</p>	<p>Page 66</p> <p>1 A. Yeah, I don't -- I think she still doesn't 2 understand how to run the plant good enough in my 3 estimation to be on shift by herself. 4 Q. Right. Now, did you ever accuse her of 5 turning off the circulating water pump? 6 A. I don't remember -- 7 Q. Okay. 8 A. -- doing that. 9 Q. Have you ever been disciplined for your job 10 performance? 11 A. No, sir. 12 Q. Do you ever make mistakes? 13 A. Yes, sir. 14 Q. And did you ever say to Ms. Garcia that she 15 was stupid? 16 A. No, sir. 17 Q. Would you agree with me that that kind of 18 reference to another employee in the workplace is 19 inappropriate? 20 A. Absolutely. 21 Q. Did you ever tell Ms. Garcia that she always 22 makes the same stupid questions? 23 A. I told her to stop asking stupid questions. 24 Q. Did you ever make a restroom cleaning 25 assignment sign-in sheet for Juanita to fill out?</p>
<p>1 Q. What else? 2 A. Not "getting it," as you were doing earlier, 3 not understanding how to operate the plant properly. 4 Q. What else? 5 A. I think that sums it up. But you know, it's 6 a lot of things about those things. 7 Q. Yeah. But see, whenever you throw -- 8 whenever you throw that as a kicker, "a lot of things 9 about those things," I'm going to ask you what things? 10 MS. OLMOS: Object to the form of the 11 question. 12 Q. (BY MR. MOZES) What things related to those 13 categories specifically? 14 A. Well, knowing how to start or stop the 15 units, knowing how to keep the temperatures at the 16 appropriate levels. You know, knowing how to just 17 operate the plant, basically. What things that you 18 should be concerned of as an operator and then what 19 things are not so important that you have to be as 20 concerned. 21 Q. As you sit here today do you believe that 22 she is -- that as an Ops I that Juanita Garcia is not 23 qualified? 24 A. You're asking me what I think? 25 Q. Yeah.</p>	<p>Page 67</p> <p>1 A. Nope. But we had one. I think Richard made 2 it or somebody and it was put up there. 3 Q. Was that at Animas? 4 A. Yes, sir. 5 Q. At some point in time was there conversation 6 among the other operators where there was kind of a 7 betting pool as to whether Juanita would pass the test or 8 not? 9 A. Not to my knowledge. 10 MR. MOZES: Just give me a minute. I may be 11 done. 12 (Break from 11:51 to 11:55.) 13 MR. MOZES: Those are all the questions I 14 have. 15 MS. OLMOS: I just have one. 16 * * * 17 E X A M I N A T I O N 18 BY MS. OLMOS: 19 Q. Mr. Click, do you know whether if the plant 20 trips when somebody's doing their hands-on Ops Tech I 21 test, does that mean they failed the hands-on portion of 22 the test? 23 A. Yes. It is my understanding that you're 24 allowed two tries to put the plant on. And if the water 25 goes high or -- referring to that 40 percent weighted</p>